

REMARKS

Claims 1–12 were pending and were rejected. Claims 1, 5, and 9 are amended. Claims 1–12 remain pending. Reconsideration is requested in view of the foregoing amendments and the following remarks.

Rejections Under § 112

Claims 1–12 were rejected under 35 U.S.C. § 112, ¶ 2 as indefinite because of the use of the term “at least the H.323 protocol” as used in each of the independent claims (claims 1, 5, and 9). The claims have been amended to delete this language, thereby overcoming the rejection. Reconsideration and withdrawal of this rejection are therefore requested.

Rejections Under § 102

Claims 1–12 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,940,847 to Glitho, et al. (“Glitho”). The following remarks focus on independent claim 1. However, independent claims 5 and 9 include similar limitations and are therefore allowable for substantially the same reasons. Moreover, each of the remaining claims depends, either directly or indirectly, from one of these claims. Therefore all of the claims are believed to be allowable for at least the reasons set forth below.

To anticipate claim 1, Glitho must disclose every limitation of claim 1. However Glitho does not disclose every element of claim 1. Claim 1 is a method of processing incoming calls that are received substantially simultaneously. The method recites:

- receiving first and second incoming calls;
- retaining the first incoming call in a first state;
- waiting until the first incoming call progresses to a second state;
- answering the second incoming call and placing it in the first state after the first incoming call progresses to the second state; and
- transitioning the second incoming call in the first state to a second state.

Thus, claim 1 clearly necessitates at least two calls.

However, Glitho does not disclose or suggest methods for handling simultaneous calls. Examiner contends that Call Request 514 and 516 shown in Fig. 4 of the Glitho reference are the two calls recited in claim 1. However, even a cursory inspection of the relevant text passages of Glitho shows that these are not calls, but rather separate states that a call (*i.e.*, a single call) may

be placed in. Thus, while the cited passages of Glitho do show two separate states for calls (albeit outgoing calls, not incoming calls), nothing about these passages describe a method for handling first and second incoming calls.

Glitho is silent as to the number of calls being processed, and appears to teach handling only a single call. Therefore, Glitho cannot teach the remaining steps of claim 1, which relate to a method of processing the two calls and the states of the two calls. Put simply, Glitho does not describe putting a first call in a first state, waiting for it to progress to a second state, placing the second call in the first state, and then transitioning the second call to the second state. The citations provided have nothing at all to do with this, as they only describe the state progression of a single call and relate to outgoing calls not incoming calls.

Because Glitho fails to teach or suggest any of the limitations of claim 1, the rejection under § 102 is improper. Reconsideration and withdrawal of this rejection are therefore requested.

Respectfully submitted,

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Date

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